



General Assembly

February Session, 2000

***Amendment***

LCO No. 5444

Offered by:

SEN. DAILY, 33<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 508

File No. 317

Cal. No. 251

***"An Act Concerning Minor Revisions To Certain  
Environmental Laws."***

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 16-244c of the general statutes is amended by  
4 adding subsection (g) as follows:

5 (NEW) (g) On and after January 1, 2004, each electric distribution  
6 company providing electric generation services pursuant to this  
7 section shall comply with the portfolio standards, pursuant to section  
8 16-245a.

9 Sec. 2. Section 12-263m of the general statutes, as amended by  
10 section 2 of public act 99-216, is repealed and the following is  
11 substituted in lieu thereof:

12 (a) There shall be paid to the Commissioner of Revenue Services by  
13 each dry cleaning establishment, as defined in this subsection, a  
14 surcharge of one per cent of its gross receipts at retail for any dry

15 cleaning service performed on or after January 1, 1995. Each such  
16 establishment shall register with the Commissioner of Revenue  
17 Services on forms prescribed by [him] the commissioner. Each such  
18 establishment shall submit a return quarterly to the Commissioner of  
19 Revenue Services, applicable with respect to the calendar quarter  
20 beginning January 1, 1995, and each calendar quarter thereafter, on or  
21 before the last day of the month immediately following the end of each  
22 such calendar quarter, on a form prescribed by the commissioner,  
23 together with payment of the quarterly surcharge determined and  
24 payable in accordance with the provisions of this section. Whenever  
25 such surcharge is not paid when due, a penalty of ten per cent of the  
26 amount due or fifty dollars, whichever is greater, shall be imposed,  
27 and such surcharge shall bear interest at the rate of one per cent per  
28 month or fraction thereof until the same is paid. The Commissioner of  
29 Revenue Services shall cause copies of a form prescribed for  
30 submitting returns as required under this section to be distributed to  
31 persons subject to the surcharge. Failure to receive such form shall not  
32 be construed to relieve anyone subject to the surcharge under this  
33 section from the obligations of submitting a return, together with  
34 payment of such surcharge within the time required. The provisions of  
35 sections 12-548 to 12-554, inclusive, and sections 12-555a and 12-555b  
36 shall apply to the provisions of this section in the same manner and  
37 with the same force and effect as if the language of said sections 12-548  
38 to 12-554, inclusive, and sections 12-555a and 12-555b had been  
39 incorporated in full into this section and had expressly referred to the  
40 surcharge imposed under this section, except to the extent that any  
41 such provision is inconsistent with a provision of this section and  
42 except that the term "tax" shall be read as "dry cleaning establishment  
43 surcharge". Any moneys received by the state pursuant to this section  
44 shall be deposited into the account established pursuant to subsection  
45 (b) of this section. For the purposes of this section, (1) "dry cleaning  
46 establishment" means any place of business engaged in the cleaning of  
47 clothing or other fabrics using tetrachlorethylene, Stoddard solvent or  
48 other chemicals or any place of business which accepts clothing or  
49 other fabrics to be cleaned by another establishment using such

50 chemicals, (2) "owner of a dry cleaning establishment site" means the  
51 owner of property where a dry cleaning establishment had operated  
52 on or after January 1, 1995, but has since ceased to operate, and (3)  
53 "gross receipts at retail" means the total amount accruing from dry  
54 cleaning services at retail, valued in money, without any deduction for  
55 the cost of the materials used, labor or service cost or any other  
56 expense.

57 (b) There is established an account within the General Fund to be  
58 known as the "dry cleaning establishment remediation account". Said  
59 account shall contain any moneys required by law to be deposited in  
60 the account. Any balance remaining in the account at the end of any  
61 fiscal year shall be carried forward in the account for the fiscal year  
62 next succeeding. The account shall be used by the Department of  
63 Economic and Community Development for grants made to owners or  
64 operators of dry cleaning establishments and to owners of dry cleaning  
65 establishment sites pursuant to subsections (c) and (d) of this section.

66 (c) The state, acting through the Commissioner of Economic and  
67 Community Development, shall use the dry cleaning establishment  
68 remediation account to provide grants to dry cleaning establishments  
69 and to owners of dry cleaning establishment sites for the purposes of  
70 the containment and removal or mitigation of environmental pollution  
71 resulting from the discharge, spillage, uncontrolled loss, seepage or  
72 filtration of chemical liquids or solid, liquid or gaseous products or  
73 hazardous wastes on or at the site of such establishment or for  
74 measures undertaken to prevent such pollution which are approved by  
75 the Commissioner of Environmental Protection. In order to qualify for  
76 a grant under the provisions of this section a dry cleaning  
77 establishment or owner of a dry cleaning establishment site must  
78 demonstrate to the satisfaction of the Commissioner of Economic and  
79 Community Development that it (1) is using or has previously used,  
80 tetrachlorethylene or Stoddard solvent or other chemicals for the  
81 purpose of cleaning clothes or other fabrics, (2) has [been doing] done  
82 business and [has] maintained its principal office and place of business  
83 in this state as a dry cleaning establishment for a period of at least one

84 year prior to the date of its application for assistance under this  
85 section, (3) is unable to obtain financing from conventional sources on  
86 reasonable terms or in reasonable amounts, and (4) is not in arrears  
87 with regard to any tax levied by the state or any political subdivision  
88 of the state. Any funds disbursed as a grant under this section shall not  
89 be subject to attachment in the satisfaction of any judgment against the  
90 recipient of such grant in any civil action.

91 (d) Notwithstanding the terms of any grant made under this section,  
92 a dry cleaning establishment or owner of a dry cleaning establishment  
93 site shall bear all the costs of such pollution that are less than ten  
94 thousand dollars, provided, for a release that was reported to the  
95 Commissioner of Environmental Protection prior to December 31,  
96 1990, the responsible party shall bear all costs up to twenty thousand  
97 dollars. No dry cleaning establishment or owner of a dry cleaning  
98 establishment site shall receive more than fifty thousand dollars per  
99 calendar year. There shall be allocated to the Department of Economic  
100 and Community Development annually from the account, for  
101 administrative costs, an amount equal to five per cent of the maximum  
102 balance of the account in the preceding year or one hundred thousand  
103 dollars, whichever is greater. In addition the account may be used (1)  
104 to provide grants to the Department of Environmental Protection for  
105 expenditures made investigating dry cleaning establishments and dry  
106 cleaning establishment sites, and (2) to provide potable water  
107 whenever necessary.

108 (e) Requests for grants shall be made to the Commissioner of  
109 Economic and Community Development. Any dry cleaning  
110 establishment or owner of a dry cleaning establishment site seeking  
111 grants shall provide documentation supporting the need for the grant.

112 (f) Any owner or operator of a dry cleaning establishment [which]  
113 or owner of a dry cleaning establishment site who unlawfully or  
114 intentionally discharges or spills any chemical liquids or solid, liquid  
115 or gaseous products or hazardous wastes shall not be eligible for  
116 grants from the account.

117 (g) The Commissioner of Economic and Community Development  
118 shall establish procedures for distribution of the grants and shall adopt  
119 criteria to carry out the provisions of this section. Such criteria shall  
120 specify (1) who may apply for grants; (2) how establishments, whether  
121 owned or leased, will be determined to be eligible for grants; and (3)  
122 the costs for which a grant may be made.

123 (h) On or before February 1, 2000, the Commissioner of Economic  
124 and Community Development shall submit a report to the joint  
125 standing committee of the General Assembly having cognizance of  
126 matters relating to the environment regarding the account and grant  
127 program established under this section. Such report shall include  
128 information as to the number of applications received, and the number  
129 and amounts of grants made, since the inception of the program, the  
130 names of the applicants, the time period between submission of  
131 application and the decision to grant or deny the loan, which  
132 applications were approved and which applications were denied and  
133 the reasons for denial. Such report shall further include a  
134 recommendation as to whether the surcharge and the grant program  
135 established under this section should continue.

136 Sec. 3. Subsection (f) of section 22a-63 of the general statutes, as  
137 amended by section 23 of public act 99-225, is repealed and the  
138 following is substituted in lieu thereof:

139 [(f) Any person described in subsection (a) of this section who  
140 violates subsection (d) of section 22a-61, subsection (e) of section 22a-  
141 61, subsection (a) of section 23-61a or subsection (a) of section 23-61b]

142 (f) Any person who is not certified as a commercial applicator under  
143 section 22a-54 who performs or advertises or solicits to perform  
144 commercial application of a pesticide, or any person possessing an  
145 operational certificate for commercial application under section 22a-54  
146 who performs or advertises or solicits to perform any activity  
147 requiring a supervisory certificate for commercial application shall be  
148 assessed a civil penalty in an amount not less than one thousand

149 dollars nor more than two thousand dollars for each day such violation  
150 continues. [For any subsequent violation, such penalty shall be not  
151 more than five thousand dollars.] The Attorney General, upon  
152 complaint of the commissioner, may institute a civil action to recover  
153 such penalty in the superior court for the judicial district of Hartford.  
154 Any penalties collected under this subsection shall be deposited in the  
155 Environmental Quality Fund established under section 22a-27g and  
156 shall be used by the commissioner to carry out the purposes of this  
157 section.

158 Sec. 4. Section 22a-134a of the general statutes is amended by adding  
159 subsection (n) as follows:

160 (NEW) (n) The form for Form III certification prescribed and  
161 provided by the commissioner shall explicitly state that the party  
162 completing such form is certifying that a discharge, spillage,  
163 uncontrolled loss, seepage or filtration of hazardous waste has  
164 occurred or that the environmental conditions at the parcel are  
165 unknown.

166 Sec. 5. Section 22a-6r of the general statutes is repealed and the  
167 following is substituted in lieu thereof:

168 On or before [July 1, 1997, and annually thereafter] November first,  
169 annually, the commissioner shall submit to the Governor and the joint  
170 standing committees of the General Assembly having cognizance of  
171 matters relating to environment and the Department of Economic and  
172 Community Development a report on the [permitting efforts of]  
173 progress made by the Department of Environmental Protection in the  
174 preceding state fiscal year in matters relating to permitting,  
175 enforcement and compliance assistance. Such report shall include, but  
176 not be limited to: (1) An identification of revenues received from  
177 permit application fees and any revenues derived from the processing  
178 of such applications as set forth in this chapter and the department's  
179 appropriation from the General Fund for permitting activities; (2) the  
180 number and amount of permit applications received; (3) the number of

181 permit decisions issued; [and] (4) the number of permits pending; (5)  
182 the number and amount of permit application fees refunded; (6) the  
183 extent of compliance with the environmental protection laws of this  
184 state by persons holding permits issued under this title; (7) the number  
185 of permit applications requiring alternative timely action schedules  
186 pursuant to section 22a-6q; [and] (8) the enforcement actions taken by  
187 the commissioner in the preceding fiscal year; (9) the timeliness of  
188 enforcement actions in the preceding fiscal year compared to  
189 standards established by department policy; (10) any exceptions or  
190 variances to department policy related to enforcement actions in the  
191 preceding year, including, but not limited to, the number of such  
192 exceptions or variances and a brief description of each such  
193 occurrence; (11) the effectiveness of environmental compliance  
194 assistance programs; (12) an evaluation of the environmental  
195 performance of entities regulated under this title by the commissioner;  
196 (13) a summary of the significant improvements the department has  
197 made in its permitting, enforcement and compliance assistance  
198 programs; and (14) a summary of progress made in employing a  
199 comprehensive enforcement case file management system and training  
200 personnel in the use of such system as required under section 27 of  
201 public act 99-225, as amended by this act.

202 Sec. 6. Section 27 of public act 99-225 is repealed and the following is  
203 substituted in lieu thereof:

204 On or before January 1, 2000, the Commissioner of Environmental  
205 Protection shall review the file management practices in the  
206 Department of Environmental Protection related to enforcement cases  
207 and shall develop a comprehensive file management system that  
208 ensures that case files contain any and all documents important for  
209 decision-making by the agency in a particular case and any documents  
210 required by department policy. Such system shall provide for  
211 maintenance of files in a consistent manner and in an accessible format  
212 and shall further provide for periodic review of case files by  
213 department management not less than once annually to monitor  
214 implementation of the system. The department shall lease or purchase

215 and install an information technology system which provides for a  
216 case file database to be shared among all bureaus of the department.  
217 Training shall be provided to any relevant personnel in the use of such  
218 system and ongoing training shall be provided as needed for changes  
219 or updates to such system and for new employees. [The commissioner  
220 shall annually report to the joint standing committee of the General  
221 Assembly having cognizance of matters relating to the environment  
222 regarding such training and any upgrade requirements.]

223 Sec. 7. Section 10 of public act 91-395, as amended by section 1 of  
224 public act 95-55, is repealed and the following is substituted in lieu  
225 thereof:

226 The Office of Policy and Management shall amend the state plan of  
227 conservation and development adopted pursuant to chapter 297 of the  
228 general statutes to include therein a goal for reducing carbon dioxide  
229 emissions within this state. Said office, in consultation with the  
230 Department of Environmental Protection, shall submit a report to the  
231 General Assembly on or before the thirtieth day following the effective  
232 date of [this act] public act 95-55, on or before May 1, 1996, and annually  
233 thereafter, which details the net amount of carbon dioxide emitted  
234 annually within this state. Following the May 1, 1999, submittal, said  
235 report shall be submitted every three years with the first such report due  
236 May 1, 2002.

237 Sec. 8. (NEW) No state agency shall adopt any regulation or any  
238 other standard that diminishes the efficacy of antimicrobial pesticides,  
239 as defined in 7 USC 136, that are registered with and meet the  
240 standards of the United States Environmental Protection Agency as set  
241 forth in 7 USC 136 and 7 USC 136a for use as hospital or medical  
242 environment disinfectants. The provisions of this section shall not  
243 apply to the extent necessary to comply with federal law or regulation  
244 to reduce volatile organic compounds found in or released in the use  
245 of such pesticides.

246 Sec. 9. Section 22a-196 of the general statutes is repealed and the



247 following is substituted in lieu thereof:

248 No asphalt batching or continuous mix facility shall be located in an  
249 area which is less than one-third of a mile in linear distance from any  
250 hospital, nursing home, school, area of critical environmental concern,  
251 watercourse, or area occupied by residential housing. Such distance  
252 shall be measured from the outermost perimeter of such facility to the  
253 outermost point of such zones. [provided that] The provisions of this  
254 section shall not apply to (1) any such facility in operation as of  
255 December 31, 1997, [shall not be subject to the provisions of this  
256 section] and (2) a new facility where (A) (i) there exists within such  
257 area, at or adjacent to the proposed location of such new facility, one or  
258 more nonmobile facilities that operate under a permit issued pursuant  
259 to section 22a-174 to operate an asphalt batching or continuous mix  
260 facility or to operate fuel burning equipment, and (ii) if such an  
261 existing facility is an asphalt batching or continuous mix facility and if  
262 the applicant seeking a permit for the new facility owns or operates  
263 such existing facility, the applicant certifies to the commissioner as part  
264 of the permit application that such facility will cease to operate and its  
265 permit be surrendered upon the issuance of a permit to operate the  
266 new facility, (B) the applicant certifies to the commissioner as part of  
267 the permit application that two or more existing and operating  
268 nonmobile asphalt batching or continuous mix facilities under the  
269 applicant's ownership or operation will cease to operate and their  
270 permits will be surrendered upon the issuance of a permit to operate  
271 the new facility and that at least one of the existing facilities is not  
272 more than twenty miles from the proposed new facility, and (C) the  
273 new facility will produce a net decrease in total air pollutants, on a per  
274 ton basis, as compared to the existing facilities under the applicant's  
275 ownership or operation.

276 Sec. 10. Subdivision (1) of section 22a-134 of the general statutes, as  
277 amended by section 56 of public act 99-241, is repealed and the  
278 following is substituted in lieu thereof:

279 (1) "Transfer of establishment" means any transaction or proceeding

280 through which an establishment undergoes a change in ownership, but  
281 does not mean (A) conveyance or extinguishment of an easement, (B)  
282 conveyance of property through a judicial foreclosure, (C) conveyance  
283 of a deed in lieu of foreclosure to an institutional lender, including, but  
284 not limited to, a banking institution, (D) conveyance of a security  
285 interest including, without limitation, a mortgage, (E) renewal of a  
286 lease, (F) conveyance, assignment or termination of a lease for a period  
287 less than twenty-five years from the date of such conveyance,  
288 assignment or termination, including options or extensions of such  
289 period, (G) any change in ownership approved by the Probate Court,  
290 (H) conveyance of title to a surviving joint tenant, or to a trustee,  
291 executor, or administrator under the terms of a testamentary trust or  
292 will, or by intestate succession, (I) corporate reorganization not  
293 substantially affecting the ownership of the establishment, including,  
294 but not limited to, stock dividend distributions or stock distributions  
295 in connection with a merger, (J) the original issuance of stock or other  
296 securities of an entity which owns or operates an establishment, (K) the  
297 transfer of stock, securities or other ownership interests representing  
298 less than a majority of the voting power of the entity that owns or  
299 operates the establishment, (L) any conveyance of an interest in an  
300 establishment where the transferor is the sibling, spouse, child, parent,  
301 grandparent, child of a sibling or sibling of a parent of the transferee,  
302 (M) any conveyance of a portion of a parcel upon which portion no  
303 establishment is or has been located and upon which there has not  
304 occurred a discharge, spillage, uncontrolled loss, seepage or filtration  
305 of hazardous waste, provided either the area of such portion is not  
306 greater than fifty per cent of the area of such parcel or written notice of  
307 such proposed conveyance and an environmental condition  
308 assessment form for such parcel is provided to the commissioner sixty  
309 days prior to such conveyance, (N) conveyance of a service station, as  
310 defined in subdivision (5) of this section, (O) any conveyance of a  
311 parcel which, prior to July 1, 1997, had been developed solely for  
312 residential use and such use has not changed, (P) any conveyance of a  
313 parcel to [any entity created or operating under chapter 130 or 132, or  
314 to an urban rehabilitation agency, as defined in section 8-292, or to a

315 municipality under section 32-224, or to] the Connecticut Development  
316 Authority or any subsidiary of the authority, [or] (Q) any conveyance  
317 of a parcel in connection with the assembly of properties to effectuate  
318 the development of the convention center facilities, the sportsplex and  
319 the related parking facilities, each as defined in section 32-651, (R) the  
320 conversion of a general or limited partnership to a limited liability  
321 company under section 34-199, (S) the transfer of general partnership  
322 property held in the names of all of its general partners to a general  
323 partnership which includes as general partners immediately after the  
324 transfer all of the same persons as were general partners immediately  
325 prior to the transfer; and (T) the transfer of general partnership  
326 property held in the names of all of its general partners to a limited  
327 liability company which includes as members immediately after the  
328 transfer all of the same persons as were general partners immediately  
329 prior to the transfer.

330 Sec. 11. Section 22a-6t of the general statutes, as amended by section  
331 28 of public act 99-225, is repealed."